

## REMARKS

Applicant thanks the Examiner for the very thorough consideration given the present application. Claims 1-13 are pending in the present application. The Examiner is respectfully requested to reconsider and withdraw his rejections in view of the amendments and remarks as set forth below.

### *I. Drawings*

Applicant respectfully traverses the objection to reference number "43". Please see the bottom of Figure 2 for that reference. Additionally, reference number "58" shown in Figure 4 is mentioned on Page 8, Line 11 of the Specification.

The Examiner has objected to the drawings because reference numbers "46", "48", and "60" are not mentioned in the specification, but are shown on Figure 4 of the drawings. Accordingly, Figure 4 has been corrected to correspond with the description. Additionally, reference characters "22" and "44" were incorrectly used to designate the "console mounting bracket". Applicant is submitting a Request for Approval of Drawing Changes for the Examiner's consideration and approval.

### *II. Claim Rejections Under 35 U.S.C. § 112*

Claims 1 -11 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. This rejection is respectfully traversed.

Applicants note that Claim 1 and Claim 9 have been amended above to precisely define the scope of the present invention, therefore reconsideration and withdrawal of the rejection are respectfully requested.

### **III. Claim Rejections Under 35 U.S.C. § 102(e)**

The Examiner has rejected Claims 1 and 5-11 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 5,970,814 to Smith. Smith does not anticipate the present invention because it does not teach every element of the claims.

Applicants note a significant difference between the Smith invention and the present application is that the Smith invention discloses a transmission coupling assembly (30) and a brake cable assembly (36) both of which are mounted to the vehicle floor. In order for both the transmission coupling assembly (30) and the brake cable assembly (36) to function properly, the console (10) which houses the parking brake lever assembly (40) and the transmission control assembly (18) must be connected at the time the console (10) is introduced into the vehicle. Amended claims 1 and 9 each define "a console mounted to said sled". In Smith '814 the Examiner has referred to the console (10) as a sled system. Therefore, Smith '814 clearly does not show a console mounted to what the Examiner refers to as a sled system since the console (10) cannot be both a sled and a console. Therefore, reconsideration and withdrawal of this rejection are respectfully requested.

### **IV. Claim Rejections Under 35 U.S.C. § 103(a)**

The Examiner has rejected claims 2 and 3 under 35 U.S.C. § 103(a) as being unpatentable over Smith (U.S. 5,970,814) in view of Official Notice that either an automatic or manual transmission could be used in the console system disclosed by Smith. The examiner has rejected claims 4, 12, and 13 under 35 U.S.C. § 103(a) as being unpatentable over Smith (U.S. 5,970,814) in view of Knox, Jr. (4,077,276). For the following reasons, reconsideration is respectfully requested.

In view of the amendments to independent Claims 1 and 9 reconsideration and withdrawal of these rejections are also respectfully requested.

V. Conclusion

All of the states grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. It is believed that a full and complete response has been made to the outstanding office action, and as such, the present application is in condition for allowance. If the Examiner believes that personal communication will expedite prosecution of this application, he is invited to telephone the undersigned at (248) 641-1600.

Prompt and favorable consideration of this amendment is respectfully requested.

Respectfully submitted,

Dated: 11-28 -2000

By: Ryan W. Massey  
Ryan W. Massey, Reg. No. 38,543

CIMS 483-02-19  
DaimlerChrysler Intellectual Capital Corporation  
DaimlerChrysler Technology Center  
800 Chrysler Drive  
Auburn Hills, MI 48326-2757  
248-944-6517

**ATTACHMENT FOR SPECIFICATION AMENDMENTS**

**Serial No. 09/373,038**

*Replacement paragraph for Page 7, lines 5-15:*

Returning to Figures 2 and 3, the sled 12 has in a forward position to the gear shift aperture 30 and the transfer case shifter aperture 34 an instrument panel (I/P) mounting bracket 20. The sled 12 has in a rearward position to the parking brake cable access aperture 28 a console mounting bracket [44] 22. It should be understood that the I/P mounting bracket 20 and the console mounting bracket 44 are optional and may be attached to the sled 12 by a variety of methods. The sled 12 is fixedly mounted in position onto the floor pan 23 of a vehicle via fasteners that are accepted by front orifices 38, middle orifices 42 and rear orifices 40 of the sled 12. Additionally, when the sled system 10 is mounted in position, I/P mounting bracket 20 is used to mount to the instrument panel, and the console mounting bracket [44] 22 is used to mount the console to the sled 12.

*Replacement paragraph for Page 7, line 16 - Page 8, line 4:*

It should be understood that the sled 12 can have various shapes in order to mate with a particular vehicle floor pan. Additionally, the sled 12 can vary in the placement, the position and design of apertures. Also, the sled 12 can vary in the existence of apertures, and in the existence and placement of fasteners. It should also be understood that the sled 12 may also be configured with or without the assemblies as shown in the illustrated embodiments including the removal of the transfer case shifter assembly 16, the parking brake assembly 18 or the gear shift assembly 14, or any combination thereof. Finally, it should be understood that the I/P mounting

bracket 20 and the console bracket [44] 22 may have a variety of configurations, and may or may not be included individually or together on the sled 12.

*Replacement paragraph for Page 8, lines 5-20:*

Turning to Figure 4, the block diagram illustrates alternate embodiments of the sled system 10 wherein the sled 12 has a gear shift portion 50, a transfer case portion 52 and a parking brake portion 54, wherein a gear shift assembly 14, of either a manual or automatic type, is disposed and mounted in the gear shift portion 50, a transfer case shifter assembly 16 is disposed and mounted in the transfer case portion 52 and a parking brake hand lever assembly 18 is disposed and mounted in the parking brake portion 54. A console 58 is mounted to the sled 12 via the console mounting bracket [44] 22. It will be understood that any combination of the gear shift portion 50, the transfer case portion 52 and the parking brake portion 54 may be used. It will also be understood that the gear shift portion 50, the transfer case portion 52 and the parking brake portion 50 will have an appropriate configuration, including the position and shape of apertures and the inclusion and position of fasteners in order to accommodate the disposition and placement of an assembly in an appropriate position in relation to a vehicle. In operation, following mounting of sled system 10 either as a module or assembled within the vehicle movement of an appropriate lever operates an appropriate system in the vehicle resulting in an appropriate response.

**ATTACHMENT FOR CLAIM AMENDMENTS**

**Serial No. 09/373,038**

1. (AMENDED) A sled system for mounting a shift assembly to a vehicle comprising:

a sled having a predetermined configuration, said sled being adapted to fit onto a vehicle floor pan, said sled including a first opening for accepting a shift lever assembly;

[a] said shift lever assembly disposed within said first opening, said sled including a second opening for accepting a brake lever assembly;

[a] said brake lever assembly disposed within said second opening; [and]

a plurality of fasteners for mounting said shift lever assembly and said brake lever assembly to said sled; and

a console mounted to said sled.

9. (AMENDED) A sled system comprising:

a sled having a predetermined configuration, said configuration being designed to mate with a floor pan of a vehicle;

a first opening defined by said sled, said first opening being configured to accept a gear shift assembly;

a second opening defined by said sled, said second opening being configured to accept a parking brake lever assembly; [and]

a plurality fasteners adapted to affix [a] said parking brake lever assembly and  
[a] said gear shift assembly to said sled; and  
a console mounted to said sled.

10. (AMENDED) The sled system according to Claim [6] 9 further comprising a  
console mounting bracket mounted to said sled.







